

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

STEWART et al.

Serial No. 09/608,142

Filed: June 30, 2000

For: TWISTED PAIR COMMUNICATIONS LINE SYSTEM



Atty. Ref.: 2540-248

Group: 2731

Examiner: Not Yet Assigned

* * * * *

Assistant Commissioner for Patents
Washington, DC 20231

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Technology Center 2600

Sir:

**EXCLUSIVE SUBSTITUTE POWER OF ATTORNEY
AND EXCLUSIVE PROSECUTION HEREAFTER BY
ASSIGNEE UNDER 37 C.F.R. §§ 1.36, 3.71 AND 3.73**

The undersigned being the owner of all right, title and interest in the above-identified patent application, hereby revokes all previous powers of attorney in this case, if any, and hereby appoints Nixon & Vanderhye, P.C., 1100 North Glebe Rd., 8th Floor, Arlington, Virginia 22201-4714, telephone number (703) 816-4000, facsimile number (703) 816-4100, and the following attorneys thereof (of the same address) individually and collectively my/its attorneys to prosecute this application and to transact all business in the Patent and Trademark Office in connection therewith, and with the resulting patent: Arthur R. Crawford, 25327; Larry S. Nixon, 25640; Robert A. Vanderhye, 27076; James T. Hosmer, 30184; Robert W. Faris, 31352; Richard G. Besha, 22770; Mark E. Nusbaum, 32348; Michael J. Keenan, 32106; Bryan H. Davidson, 30251; Stanley C. Spooner,

STEWART et al.

Serial No. 09/608,142

“Twisted Pair Communications Line System”

27393; Leonard C. Mitchard, 29009; Duane M. Byers, 33363; Jeffry H. Nelson, 30481; John R. Lastova, 33149; H. Warren Burnam, Jr. 29366; Thomas E. Byrne, 32205; Mary J. Wilson, 32955; J. Scott Davidson, 33489; Alan M. Kagen, 36178; Robert A. Molan, 29834; B. J. Sadoff, 36663; James D. Berquist, 34776; Updeep S. Gill, 37334; Michael J. Shea, 34725; Donald L. Jackson, 41090; Michelle N. Lester, 32331; Frank P. Presta, 19828; Joseph S. Presta, 35329; Joseph A. Rhoa, 37515; and Raymond Y. Mah, 41426.

I also authorize Nixon & Vanderhye to delete any attorney names/numbers no longer with the firm and to act and rely solely on instructions communicated from the person, attorney, firm or other organization sending instructions to Nixon & Vanderhye on behalf of the owner.

Certificate Under 37 C.F.R. §3.73(b)

I hereby certify that Avocent Corporation (*formerly Cybex Computer Products Corporation*) having a place of business at 4991 Corporate Drive, Huntsville, Alabama is the assignee of the entire right, title and interest in the patent application identified above by virtue of an assignment from the inventors to the aforesaid assignee, a copy of the assignment being attached and/or recorded at the United States Patent Office on June 30, 2000 at reel 010912, frame 0378.

STEWART et al.

Serial No. 09/608,142

"Twisted Pair Communications Line System"

I have reviewed the documents in the chain of title of the patent application identified above, and to the best of my knowledge and belief, title is in the aforesaid assignee for which I am empowered to act in this matter.

I declare further that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

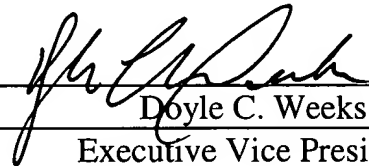
Avocent Corporation

Date

By:

Name:

Title:



Doyle C. Weeks

Executive Vice President

COPY

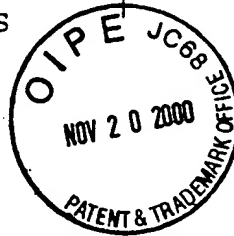


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SEPTEMBER 02, 2000

NIXON & VANDERHYE P.C.
J. SCOTT DAVIDSON
1100 NORTH GLEBE ROAD
8TH FLOOR
ARLINGTON, VA 22201

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NOTICE OF RECORDATION OF ASSIGNMENT DOCUMENT

THE ENCLOSED DOCUMENT HAS BEEN RECORDED BY THE ASSIGNMENT DIVISION OF THE U.S. PATENT AND TRADEMARK OFFICE. A COMPLETE MICROFILM COPY IS AVAILABLE AT THE ASSIGNMENT SEARCH ROOM ON THE REEL AND FRAME NUMBER REFERENCED BELOW.

PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE. THE INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DATA PRESENT IN THE PATENT AND TRADEMARK ASSIGNMENT SYSTEM. IF YOU SHOULD FIND ANY ERRORS OR HAVE QUESTIONS CONCERNING THIS NOTICE, YOU MAY CONTACT THE EMPLOYEE WHOSE NAME APPEARS ON THIS NOTICE AT 703-308-9723. PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE, ASSIGNMENT DIVISION, BOX ASSIGNMENTS, CG-4, 1213 JEFFERSON DAVIS HWY, SUITE 320, WASHINGTON, D.C. 20231.

RECORDATION DATE: 06/30/2000

REEL/FRAME: 010912/0378
NUMBER OF PAGES: 2

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNOR:
STEWART, WINSTON J.

DOC DATE: 06/16/2000

ASSIGNOR:
KIRSHTein, PHILIP M.

DOC DATE: 06/14/2000

ASSIGNOR:
BROWN, STEVEN F.

DOC DATE: 06/14/2000

ASSIGNOR:
ASPREY, ROBERT R.

DOC DATE: 06/14/2000

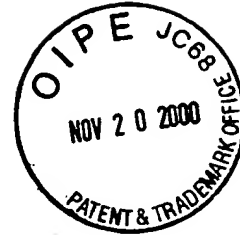
ASSIGNEE:
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SERIAL NUMBER: 09608142
PATENT NUMBER:

FILING DATE: 06/30/2000
ISSUE DATE:

010912/0378 PAGE 2

TARA WASHINGTON, EXAMINER
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Our Ref.: 2540-2

Commissioner of Patents and Trademarks
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To the Honorable Commissioner of Patents and Trademarks: Please record the attached original documents or copy thereof.

1. Name of conveying party(ies): Winston J. STEWART Philip M. KIRSHTein Steven F. BROWN Robert R. ASPREY		2. Name and address of first receiving party: Name: <u>Cybox Computer Products Corporation</u> Internal Address: Street Address: <u>4991 Corporate Drive</u> City: <u>Huntsville</u> State/Country: <u>Alabama</u> Zip: <u>35805</u> Additional name/s & address/es attached? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
3. Nature of conveyance: <input checked="" type="checkbox"/> Assignment <input type="checkbox"/> Merger <input type="checkbox"/> Security Assignment <input type="checkbox"/> Change of Name <input type="checkbox"/> Other Execution Date: <u>Inv. #1: June 26, 2000-06-30</u> <u>Inv. Nos. 2-4: June 14, 2000</u>		4. Application number(s) or patent number(s): If this document is being filed together with a new application, the execution date of the application is: <u>June 30, 2000</u> A. Patent Application No(s). (1) Cont. App. No.: <u>09/294,591 (filed Herewith)</u> (2) (3) B. Patent No(s). (1) (2) (3) Additional numbers attached <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
5. Name and address of party to whom correspondence concerning document should be mailed: Name: <u>J. Scott Davidson</u> Internal Address: <u>40.00 00</u> Street Address: <u>Nixon & Vanderhye P.C.</u> <u>1100 North Glebe Road</u> <u>8th Floor</u> City: <u>Arlington</u> State: <u>VA</u> Zip: <u>22201</u>		6. Total number of applications & patents involved: <u>1</u> 7. Total fee (37 CFR 3.41) \$ <u>40.00</u> <input checked="" type="checkbox"/> Enclosed <input type="checkbox"/> Authorized to be charged to deposit account #14-1140 8. The Commissioner is hereby authorized to charge any deficiency in the fee(s) filed, or asserted to be filed, or which should have been filed herewith (or with any paper thereafter filed in this application by this firm) to our Account No. 14-1140.	
DO NOT USE THIS SPACE			
9. Statements and signature. To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document. J. Scott Davidson Name of Person Signing Reg. No. 33,489 Signature June 30, 2000 Date Total number of pages including original cover sheet, attachments, and document: [2]			

ASSIGNMENT of U.S. and Foreign Patent Rights

(Inventors) Winston J. Stewart;
Philip M. Kirshtein;
Steven F. Brown; and
Robert R. Asprey.

(Title) In consideration of the sum of one dollar (\$1.00) and other good and valuable considerations paid to each of the undersigned, the undersigned agree(s) to assign, and hereby does assign, transfer and set over to CYBEX COMPUTER PRODUCTS CORPORATION, ("Cybex"), a corporation of Alabama, having an office and place of business at 4991 Corporate Drive, Huntsville, Alabama, the undersigned's entire right, title and interest in the invention, all applications filed therefore for patent in the United States and in foreign countries, and any Letters Patent which may be granted therefore in the United States and in foreign countries, known as:
"Twisted Pair Communications Line System"
for which the undersigned has (have) executed on even date herewith an application for patent in the United States of America or, if not on even date, then has executed on (Being Filed Herewith) or has already filed U.S. application Serial No. _____ ("the U.S. Application"), on _____.

The undersigned acknowledges an obligation of assignment of this invention to Cybex at the time the invention was made.



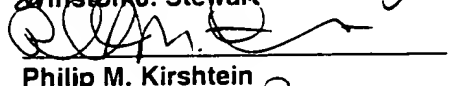
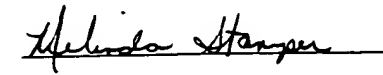
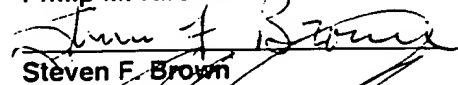

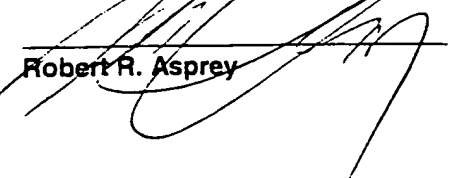
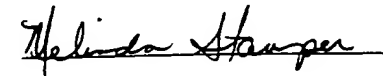
The undersigned agree(s) to execute all papers and documents necessary in connection with the application or any interference which may be declared and any continuing or divisional applications thereof and also to execute separate assignments in connection with such applications as Cybex may deem necessary or expedient and further to perform any act which may be necessary in connection with claims or provisions of the International Convention for Protection of Industrial Property or similar agreements.

The undersigned agree(s) to perform all affirmative acts which may be necessary to obtain a grant of valid United States and corresponding foreign patents to Cybex.

The undersigned hereby authorize(s) and request(s) the Commissioner of Patents to issue any and all Letters Patent of the United States resulting from said application or any division or divisions or continuing applications thereof to the Cybex, as assignee of the entire interest, and hereby covenants that he has (they have) full right to convey the entire interest herein assigned, and that he has (they have) not executed and will not execute, any agreement in conflict herewith.

The undersigned hereby grant(s) the firm of NIXON & VANDERHYE P.C. the power to insert on this assignment any further identification which may be necessary or desirable in order to comply with the rules of the United States Patent Office for recordation of this document. It is understood and agreed that Cybex's attorneys Nixon & Vanderhye P.C. have represented only Cybex and will continue to represent only Cybex with respect to this invention.

In witness whereof, executed by the undersigned on the date(s) opposite the undersigned signature(s).

Date: <u>26 June 00</u>	Inventor: <u></u> Winston J. Stewart	Witness: <u></u> Donna Stewart
Date: <u>14 June 00</u>	Inventor: <u></u> Philip M. Kirshtein	Witness: <u></u> Melinda Stanger
Date: <u>6/14/00</u>	Inventor: <u></u> Steven F. Brown	Witness: <u></u> Melinda Stanger
Date: <u>6/14/00</u>	Inventor: <u></u> Robert R. Asprey	Witness: <u></u> Melinda Stanger